



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

BUCKINGHAM, DOOLITTLE & BURROUGHS, LLP
3800 EMBASSY PARKWAY
SUITE 300
AKRON OH 44333-8332

COPY MAILED

JAN 17 2007

Applicant: Vandrak et al.

Appl. No.: 10/518,202

International Filing Date: September 30, 2004

Title: GAS FIRED PORTABLE UNVENTED INFRARED HEATER

Attorney Docket No.: 30816-0094

Pub. No.: US 2005/0257786 A1

Pub. Date: November 24, 2005

OFFICE OF PETITIONS

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 23, 2006, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors, as the line number “11” improperly appears in paragraphs [0065] and [0072], as “FIGS. 26-27” is misprinted as “FIGS. 2627” in paragraph [0070], “fitting 146” is misprinted as “filling 146” and “clip” is misprinted a “dip” in paragraph [0074].

37 CFR 1.221 (b) is applicable “only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.” A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The errors in paragraphs [0065] and [0072] wherein the line number “11” improperly appears, paragraph [0070] wherein “FIGS. 26-27” is misprinted as “FIGS. 2627”, paragraph [0072] wherein “fitting 146” is misprinted as “filling 146” and paragraph [0074] wherein “clip” is misprinted a “dip” are Office errors, but they are not a material Office errors under 37 CFR 1.221. The minor typographical errors do not affect the understanding of the application as the words are correctly spelled in the same paragraphs. The application is clearly understandable to

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

one of ordinary skill in the art reading the application and claims. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709 (voice).



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy